

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

EMED Technologies Corporation,

Patent Owner/Appellant,

v.

Repro-Med Systems, Inc.,

Petitioner/Appellee.

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No. 17-1547

USPTO PTAB IPR2015-01920

**OPPOSED MOTION OF EMED TECHNOLOGIES CORPORATION
TO EXTEND TIME TO FILE ITS OPENING BRIEF**

Pursuant to Federal Circuit Rules 26(b) and 27(h), Appellant EMED Technologies Corporation (“EMED”) respectfully requests an extension of time to file its opening brief because its lead appellate counsel has recently left private practice to accept a position with The United States Department of Justice.

As verified by the Unsworn Declaration of John B. Thomas that accompanies this motion as Exhibit A, at the time this appeal was filed, Eric Grant, formerly of the firm of Hicks Thomas LLP, was acting as the principal attorney for EMED in this appeal and was expected to draft EMED’s brief. See also, the copy of Mr. Grant’s Entry of Appearance attached as Exhibit B. However, Mr. Grant recently left private practice to accept a position with The United States Department of Justice and has withdrawn from representing EMED in this matter. See the copy of the Order granting Mr. Grant’s motion to withdraw attached as Exhibit C. As a result of Mr. Grant’s departure, EMED’s remaining counsel at the firms of Hicks Thomas LLP and Ramey & Schwaller, LLP need additional time to prepare EMED’s opening brief.

EMED's opening brief is currently due on May 12, 2017. EMED requests that it have a 45 day extension to file that brief, until June 26, 2017. No previous extension has been sought or granted.

Counsel for EMED has communicated with counsel for Appellee Repro-Med Systems, Inc. ("RMS") about this motion. Counsel for RMS indicated that RMS does not consent to this motion and reserves its right to file a response.

DATED: May 2, 2017

Respectfully submitted,

/s/ John B. Thomas

John B. Thomas

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EMED Technologies Corporation

FORM 9. Certificate of Interest

Form 9
Rev. 03/16

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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v.

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Case No. 17-1547

CERTIFICATE OF INTEREST

Counsel for the:

☐ (petitioner) ☒ (appellant) ☐ (respondent) ☐ (appellee) ☐ (amicus) ☐ (name of party)

certifies the following (use "None" if applicable; use extra sheets if necessary):

1. Full Name of Party Represented by me	2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:	3. Parent corporations and publicly held companies that own 10 % or more of stock in the party
EMED Technologies Corporation	None	None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (**and who have not or will not enter an appearance in this case**) are:

Melissa D. Schwaller of Ramey & Schwaller, LLP and Steve Barrick of Hicks Thomas LLP

May 2, 2017

Date

/s/ John B. Thomas

Signature of counsel

Please Note: All questions must be answered

John B. Thomas

Printed name of counsel

cc: Counsel of Record

Reset Fields

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on May 2, 2017
by:

- ☐ U.S. Mail
☐ Fax
☐ Hand
☒ Electronic Means (by E-mail or CM/ECF)

John B. Thomas

Name of Counsel

/s/ John B. Thomas

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NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.

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